

How to Use the Hazardous Incident Response Equipment (HIRE) Contract Award #23173

The purpose of the Hazardous Incident Response Equipment (HIRE) contract is to provide Authorized Users with a means of acquiring various types of Hazardous Incident Response Equipment (HIRE) consistent with the **Department of Homeland Security Authorized Equipment List (DHS AEL)**.

The Statewide, multiple award contracts are with manufacturers and/or authorized distributors and are based on the terms and conditions contained within the Contract Award Notification document. Contracts have been awarded for equipment that will qualify for Homeland Security Grant Funding (SHSP) and Law Enforcement Terrorism Prevention Program (LETPP) funding.

NYS Department of Homeland Security and Emergency Services (DHSES) grant guidance requires that any equipment purchased with Federal Homeland Security grant funds must meet any applicable standard listed on the DHS AEL. The Base Contract document contains links to various standards adopted by the US Department of Homeland Security's Science and Technology Directorate, which apply to Personal Protective Equipment for First Responders and Radiation and Nuclear Detection Equipment. Additional information can be found on the NYS DHSES website: <http://www.dhSES.ny.gov/>. The Department of Homeland Security Authorized Equipment List (DHS AEL) can be found at <https://www.fema.gov/authorized-equipment-list>.

NOTE: Equipment is available on the HIRE contracts that may be used for emergency response related activities but does not qualify for grant funding.

All Authorized Users of NYS OGS contracts may purchase from the HIRE contracts. Any HIRE contract may be extended to additional States or governmental jurisdictions upon mutual written agreement between New York State and the Contractor. Political subdivisions and other authorized entities within each participating state or governmental jurisdiction may also participate in any Contract if such state normally allows participation by such entities. See Section 6.37 - Extension of Use of the Base Contract. Requests for extension of use must be sent via e-mail to: OGS.sm.PSGHIRE_Renewals@ogs.ny.gov. New York State reserves the right to negotiate additional discounts based on any increased volume generated by such extensions. Authorized Users (NYS) must be given priority with regard to Product availability and delivery. Additional States permitted by OGS to use the HIRE contracts may add their own terms and conditions although they may not conflict with OGS'. Additional States may not charge any fees to the Contractor(s). OGS' terms and conditions, including this Section, may not be modified in any way by another State's terms and conditions.

Authorized Users should be aware of the following:

- The basis for selection among multiple contracts at the time of purchase shall be the most economical alternative that meets their form, function, and utility, unless there are overriding practical issues, and should be in the best interests of the State. Consideration should also be given to price, overhead associated with storage and inventory of the goods, and the Authorized Users internal policies and procedures.
- Construction costs to prepare for installation, and installation services are not covered in this award. Authorized Users may purchase Products requiring installation from any Contract; however, any installation shall be procured separately following the Authorized User's regular procurement procedures and considering any Public Works requirements. For questions about whether a proposed installation constitutes public work, Contractors should contact their local New York State Department of Labor's Bureau of Public Work district office.

- The HIRE contracts are not limited to authorized equipment only. If using Federal Homeland Security Grant funds or Law Enforcement Terrorism Prevention Federal Grant funds end-users should ensure equipment they wish to purchase under these contracts is authorized. **End-users must notify the vendor at time of ordering by including the proper information on the Purchase Order that these funds or grant monies are being used. This requirement enables vendors to meet Federal grant tracking requirements.**
- Authorized Users making purchases of Personal Protective Equipment (PPE) (Category 1) and Detection Equipment (Category 7) should contact the contractor and/or manufacturer to confirm that the equipment they intend to purchase meets the standards of the US Department of Homeland Security's Science and Technology Directorate. Section 3 – *Standards and Guidelines* of the Base Contract provides links to the standards for Personal Protective Equipment for First Responders and Radiation and Nuclear Detection Equipment.
- If you are purchasing a costly item or a large volume of a specific piece of equipment, and know the manufacturer of the product, please access the manufacturer line spreadsheet. The sheet lists contractors and their included manufacturers. It is strongly recommended that Authorized Users obtain and compare pricing from as many vendors as possible.
- The HIRE website contains a Category Matrix which lists each contractor and the category of product they offer on contract. Each contractor has a price list posted on the HIRE website, which includes the category number for each product they have on contract. It is recommended that you contact the vendor(s) offering the type of equipment you wish to purchase should you have questions, as well as to inquire about lower pricing. HIRE contractors may offer lower than contract pricing but cannot charge more than the current posted price on their price list.
- Choose the most cost-effective option meeting your needs, document your choice for the procurement record, and proceed with the purchase.
- Price shall include all customs, duties and charges and be net, F.O.B. destination any point Statewide (NY). Upon mutual agreement between New York State and the Contractor, delivery locations may be expanded per Section 6.36 - Non-State Agencies Participation in Centralized Contracts, and Section 6.37 - Extension of Use of the Base Contract. Deliveries made outside of New York State are at the discretion of the Contractor. Additional fees for shipping may be charged for deliveries to other participating states per the Extension of Use Section. Additional shipping charges will be actual shipping charges, F.O.B destination, pre-paid and added only.
- NOTE: The State of New York and its political subdivisions are exempt from New York State and local sales taxes and federal excise taxes.
- In case of an emergency please follow your agency's emergency procurement procedures.

Frequently Asked Questions (FAQ's)

1. How do I know if I'm an Authorized User of NYS OGS contracts, including the HIRE contracts?

Answer: If you are a NYS entity, please contact NYS OGS Procurement Services Customer Services at: 518-474-6717, or via email at: customer.services@ogs.ny.gov.

Answer: If you are not a NYS entity (other state) and would like to purchase from the HIRE contracts you may do so using the Extension of Use clause-See Section 6.37 - Extension of Use of the Base Contract. Requests for extension of use must be sent via e-mail to: OGS.sm.PSGHIRE_Renewals@ogs.ny.gov.

2. If I am a NYS Agency, and I'm making a purchase from the HIRE Award, am I required to obtain three (3) quotes?

Answer: No. See The NYS Procurement Guidelines "Procurement Basics" for rules on Agency purchasing:
<https://ogs.ny.gov/system/files/documents/2018/08/psnys-procurement-guidelines.pdf>

3. What if more than one HIRE contractor has the item(s) I need, but they are listed at different prices?

Answer: Although not an Agency requirement, it is strongly recommended that all Authorized Users seek quotes from more than one participating HIRE contractor to obtain the best possible pricing when the same item is offered by more than one contractor at different pricing.

4. How do I know if a product on a HIRE contract meets Federal Guidelines for use of grant funds?

Answer: See Section 3 - *Standards and Guidelines* of the Base Contract for links to sites pertaining to standards for Personal Protective Equipment for First Responders and Radiation and Nuclear Detection Equipment, and/or contact the contractor or manufacturer for specification sheets and additional information.

5. Where will I be able to find the Department of Homeland Security Authorized Equipment List (DHS AEL)?

Answer: The Department of Homeland Security Authorized Equipment List (DHS AEL) is available at <https://www.fema.gov/authorized-equipment-list>. For questions about the DHS AEL, please contact your Grant Programs Directorate (GPD) Program Analyst or the Centralized Scheduling Information Desk (CSID). You can reach the CSID by phone at (800) 368-6498 Monday - Friday, 8:00 a.m.-5:30 p.m. EST, or by email at askcsid@dhs.gov.

6. When are contractor price lists updated, and how long does it take?

Answer: HIRE Contract holders are allowed to update their price lists twice per year, beginning in September 2020. New items under a Contractors listed categories may be added and/or items may be removed. New manufacturers may be added, but the items added for the new manufacturer must fit within one of the categories originally awarded to the Contractor; new categories may not be added post-award. Prices may also be increased or decreased, and item numbers/descriptions may be revised. Price list update approval times may vary. No general timeframe for review and approval is given.

7. If I don't see certain contractor or manufacturer listed, is it possible for an Authorized User to request that OGS add a new contractor or new manufacturer product line to the HIRE Contract?

Answer: New contractors are not allowed to be added during the contract term. In addition, Contractors may not add new categories to their price list. Contractors are permitted to add new manufacturers during a price list update, as long as the items offered fit within a category originally awarded to the Contractor.

8. If an item is not listed on a Contractors OGS price list, can it be purchased from this Award?

Answer: No. Only items listed on a Contractor's posted OGS price list may be purchased under this Award. Authorized User's that wish to purchase a non-contract item along with a contract item, may do so on the same Purchase Order, but **MUST** clearly note which items are Contract items, and which items are not. Contractors may, though are not required to, extend the same discounts, if they choose, to non-contract orders.

9. Can Contractors charge any additional fees such as tariff charges or "government-mandated" charges and/or fees?

Answer: No. Prices shall include all customs, duties, and charges and be net, F.O.B. destination any point within New York State (statewide) as designated by the ordering agency, including dock delivery and tailgate of load, which means bringing the truck to the loading dock or loading area and bringing the load to the tailgate of the truck for agency personnel to remove the load without entering the truck.

10. What information **MUST** be included on the Contractor's invoice for payment to be made through the Statewide Financial System (SFS)??

Answer: Invoicing and payment shall be made in accordance with the terms set forth in Appendix B - *Contract Invoicing*.

The Contractor is required to provide the Authorized User with one invoice for each Purchase Order at the time of delivery. The invoice must include detailed line Product information to allow Authorized Users to verify that pricing at

point of receipt matches the Contract price on the original date of order. At a minimum, the following fields must be included on each invoice; additional information may be required:

- Contractor Name
- Contractor Billing Address
- Contractor Vendor ID Number
- Contractor Contact Information
- Unique Invoice Number
- Bill To Name (Ordering Entity Name)
- Purchase Order Number
- Payment Term
- Quantity
- Description
- Unit of Measure (each, case, etc.)
- Rate (unit price)
- Total (payment amount requested)

Cost centers or branch offices for an Authorized User may require separate invoicing as specified by each Authorized User. The Contractor's billing system shall be flexible enough to meet the needs of varying ordering systems in use by different Authorized Users. Visit the following link for further guidance for vendors on invoicing: <https://bsc.ogs.ny.gov/nys-vendors>.

11. Are Contractors permitted to advertise the products they provide on the HIRE Contract?

Answer: Contractors are encouraged to market their approved products listed on their HIRE Contract, but they must comply with the *Contract Publicity* clause on page 5 of Appendix B of the Base Contract.

All press or media releases, advertisements, or promotional literature that an awarded Contractor wishes to advertise about the products they provide on contract, must be reviewed and approved by OGS. Contractors are strictly prohibited from using any former or present OGS logo and the trademarked New York State Brand (Seal/Coat of Arms) for any purpose. Requests must be sent via e-mail to: OGS.sm.PSGHIRE_Renewals@ogs.ny.gov.

12. Who do I contact if I have questions regarding the HIRE contract?

Answer: Please contact the HIRE Contract Administrator using the current contact information located at <http://ogs.ny.gov/purchase/spg/awards/3823223173CAN.HTM> or via email at: OGS.sm.PSGHIRE_Renewals@ogs.ny.gov.

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